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**U.S. District Court  
Eastern District of New York (Central Islip)  
CIVIL DOCKET FOR CASE #: 2:19-cv-00933-RER**

Robbins Geller Rudman & Dowd LLP v. United States Securities and  
Exchange Commission

Assigned to: Magistrate Judge Ramon E. Reyes, Jr  
Cause: 05:552 Freedom of Information Act

Date Filed: 02/15/2019

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Robbins Geller Rudman & Dowd LLP**

represented by **Evan Jay Kaufman**

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V.

**Defendant**

United States Securities and Exchange  
Commission

represented by **Kathleen Anne Mahoney**  
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Date Filed	#	Docket Text
02/15/2019	<a href="#">1</a>	COMPLAINT <i>FOR INJUNCTIVE RELIEF</i> against United States Securities and Exchange Commission filing fee \$ 400, receipt number ANYEDC-11206203 Was the Disclosure Statement on Civil Cover Sheet completed -Yes,, filed by Robbins Geller Rudman & Dowd LLP. (Attachments: # <a href="#">1</a> Civil Cover Sheet, # <a href="#">2</a> Exhibit 1, # <a href="#">3</a> Exhibit 2, # <a href="#">4</a> Exhibit 3, # <a href="#">5</a> Exhibit 4, # <a href="#">6</a> Exhibit 5) (Capeci, Michael) (Entered: 02/15/2019)
02/15/2019	<a href="#">2</a>	Proposed Summons. Re <a href="#">1</a> Complaint, by Robbins Geller Rudman & Dowd LLP (Capeci, Michael) (Entered: 02/15/2019)
02/19/2019	<a href="#">3</a>	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made. (Flanagan, Doreen) (Entered: 02/19/2019)
02/19/2019		Case Assigned to Judge Joseph F. Bianco and Magistrate Judge Arlene R. Lindsay. Please download and review the Individual Practices of the assigned Judges, located on our <a href="#">website</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Flanagan, Doreen) (Entered: 02/19/2019)
02/19/2019	<a href="#">4</a>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <b>if</b> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically <b>only if all</b> parties wish to consent. The form may also be accessed at the following link: <a href="http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf">http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf</a> . <b>You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent.</b> (Flanagan, Doreen) (Entered: 02/19/2019)
02/19/2019	<a href="#">5</a>	Summons Issued as to United States Securities and Exchange Commission, U.S. Attorney and U.S. Attorney General (Flanagan, Doreen) (Entered: 02/19/2019)
02/20/2019	<a href="#">6</a>	AFFIDAVIT of Service for Summons and Complaint served on United States Attorney General Letitia James & United States Attorney for the Eastern District of New York, Richard P. Donoghue on February 19, 2019, filed by Robbins Geller Rudman & Dowd LLP. (Capeci, Michael) (Entered: 02/20/2019)
02/20/2019	<a href="#">7</a>	SUMMONS Returned Executed by Robbins Geller Rudman & Dowd LLP. United States Securities and Exchange Commission served on 2/19/2019, answer due 3/12/2019. (Capeci, Michael) (Entered: 02/20/2019)

03/08/2019		Case randomly reassigned to Judge William F. Kuntz, II and Magistrate Judge Ramon E. Reyes, Jr. Judge Joseph F. Bianco, Magistrate Judge Arlene R. Lindsay no longer assigned to the case. Please download and review the Individual Practices of the assigned Judges, located on our <a href="#">website</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Florio, Lisa) (Entered: 03/08/2019)
03/08/2019	<a href="#">8</a>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <b>if</b> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically <b>only if all</b> parties wish to consent. The form may also be accessed at the following link: <a href="http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf">http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf</a> . <b>You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent.</b> (Florio, Lisa) (Entered: 03/08/2019)
03/22/2019	<a href="#">9</a>	ANSWER to <a href="#">1</a> Complaint, by United States Securities and Exchange Commission. (Lipari, Vincent) (Entered: 03/22/2019)
03/22/2019	<a href="#">10</a>	<b>SCHEDULING ORDER: Initial Conference set for 4/17/2019 at 11:30 AM in Courtroom 2E North before Magistrate Judge Ramon E. Reyes, Jr., in Courtroom 2E North located in the United States Eastern District of New York Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201. All counsel are required to attend, and plaintiff's counsel is directed to ensure that all counsel are aware of their obligation to appear. Any requests for adjournment must be made at least forty-eight (48) hours before the scheduled conference. Prior to the conference, the parties are to comply with the requirements of Rule 26(f) of the Fed. R. Civ. P. (See attached blank document.) Case Management Statement must be completed and filed on ECF no later than 4/10/2019.</b> Ordered by Magistrate Judge Ramon E. Reyes, Jr., on 3/22/2019. (Several, Emily) (Entered: 03/22/2019)
04/09/2019	<a href="#">11</a>	NOTICE of Appearance by Kathleen Anne Mahoney on behalf of United States Securities and Exchange Commission (aty to be noticed) (Mahoney, Kathleen) (Entered: 04/09/2019)
04/10/2019	<a href="#">12</a>	Letter to Honorable Ramon E. Reyes, Jr. enclosing Defendant's proposed Case Management Statement by United States Securities and Exchange Commission (Attachments: # <a href="#">1</a> Proposed Order) (Mahoney, Kathleen) (Entered: 04/10/2019)
04/10/2019	<a href="#">13</a>	CASE MANAGEMENT STATEMENT <i>on behalf of Plaintiff</i> (Rudman, Samuel) (Entered: 04/10/2019)
04/10/2019	<a href="#">14</a>	Letter to Honorable Ramon E. Reyes, Jr. re: explanation why Plaintiff and Defendant have each submitted their own Case Management Plans by Robbins Geller Rudman & Dowd LLP (Rudman, Samuel) (Entered: 04/10/2019)
04/17/2019		Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr.: Initial Conference Hearing held on 4/17/2019. Appearances: Michael G. Capeci, Esq. and Evan Jay Kaufman, Esq., for Plaintiff; Kathleen Anne Mahoney, Esq., for Defendant. Paralegal from the U.S. Attorney's Office also present. Discussions held. Plaintiff's request for a discovery schedule is denied pending Defendant's anticipated motion for summary judgment. Defendant is directed to file a letter by 4/24/2019 informing the Court whether it consents to Judge Reyes's jurisdiction. If Defendant chooses to consent, the letter should also include a briefing schedule for the anticipated motion for summary judgment. (FTR Log #11:38:05-12:07:27.) (Several, Emily) (Entered: 04/17/2019)
04/24/2019	<a href="#">15</a>	CONSENT to Jurisdiction by US Magistrate Judge by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 04/24/2019)
04/24/2019	<a href="#">16</a>	Letter to Honorable Ramon E. Reyes, Jr. setting forth proposed briefing schedule for Defendant's motion for summary judgment by United States Securities and Exchange Commission (Mahoney, Kathleen) ADDED Event Type Motion for Extension of Time to File Document on 4/25/2019 (Vertus, Miriam). (Entered: 04/24/2019)
04/24/2019	<a href="#">17</a>	Letter MOTION for New Trial <i>Letter Motion Requesting that the Court Schedule a Trial in this Litigation</i> by Robbins Geller Rudman & Dowd LLP. (Rudman, Samuel) (Entered: 04/24/2019)
04/26/2019		Case no longer referred to Magistrate Judge Ramon E. Reyes, Jr. (Tavarez, Jennifer) (Entered: 04/29/2019)

04/26/2019	<a href="#">18</a>	CONSENT to Jurisdiction by US Magistrate Judge Case reassigned to Magistrate Judge Ramon E. Reyes, Jr for all further proceedings. Judge William F. Kuntz, II no longer assigned to case. Please download and review the Individual Practices of the assigned Judges, located on our <a href="#">website</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Tavarez, Jennifer) (Entered: 04/29/2019)
04/29/2019		ORDER granting <a href="#">16</a> Briefing Schedule Ordered by Magistrate Judge Ramon E. Reyes, Jr on 4/29/2019. (Reyes, Ramon) (Entered: 04/29/2019)
05/06/2019	<a href="#">19</a>	RESPONSE in Opposition re <a href="#">17</a> Letter MOTION for New Trial <i>Letter Motion Requesting that the Court Schedule a Trial in this Litigation</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 05/06/2019)
06/21/2019	<a href="#">20</a>	Letter to Plaintiff's counsel enclosing Defendant's motion for summary judgment by United States Securities and Exchange Commission (Mahoney, Kathleen) (Entered: 06/21/2019)
07/22/2019	<a href="#">21</a>	Letter to Defendant's counsel enclosing Plaintiff's Motion for Summary Judgement Opposition by Robbins Geller Rudman & Dowd LLP (Capeci, Michael) (Entered: 07/22/2019)
08/05/2019	<a href="#">22</a>	Notice of MOTION for Summary Judgment by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	<a href="#">23</a>	RULE 56.1 STATEMENT re <a href="#">22</a> Notice of MOTION for Summary Judgment <i>Defendant's Statement Pursuant to Local Civil Rule 56.1</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	<a href="#">24</a>	MEMORANDUM in Support re <a href="#">22</a> Notice of MOTION for Summary Judgment <i>Memorandum of Law in Support of Defendant's Motion for Summary Judgment</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	<a href="#">25</a>	AFFIDAVIT/DECLARATION in Support re <a href="#">22</a> Notice of MOTION for Summary Judgment <i>Declaration of Aaron Taylor</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	<a href="#">26</a>	AFFIDAVIT/DECLARATION in Support re <a href="#">22</a> Notice of MOTION for Summary Judgment <i>Declaration of Kenneth V. Byrne</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	<a href="#">27</a>	MEMORANDUM in Opposition re <a href="#">22</a> Notice of MOTION for Summary Judgment <i>Plaintiff's Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	<a href="#">28</a>	RULE 56.1 STATEMENT re <a href="#">22</a> Notice of MOTION for Summary Judgment <i>Plaintiff's Response to Defendant's Statement Pursuant to Local Civil Rule 56.1</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	<a href="#">29</a>	AFFIDAVIT/DECLARATION in Opposition re <a href="#">22</a> Notice of MOTION for Summary Judgment <i>Declaration of Michael G. Capeci in Support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment</i> [Note: Exhibit 1 was rejected for ECF filing] filed by United States Securities and Exchange Commission. (Attachments: # <a href="#">1</a> Exhibit Exhibit 2, # <a href="#">2</a> Exhibit Exhibit 3, # <a href="#">3</a> Exhibit Exhibit 4, # <a href="#">4</a> Exhibit Exhibit 5, # <a href="#">5</a> Exhibit Exhibit 6, # <a href="#">6</a> Exhibit Exhibit 7, # <a href="#">7</a> Exhibit Exhibit 8, # <a href="#">8</a> Exhibit Exhibit 9, # <a href="#">9</a> Exhibit Exhibit 10, # <a href="#">10</a> Exhibit Exhibit 11) (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	<a href="#">30</a>	REPLY in Support re <a href="#">22</a> Notice of MOTION for Summary Judgment <i>Reply Memorandum of Law in Support of Defendant's Motion for Summary Judgment</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	<a href="#">31</a>	AFFIDAVIT/DECLARATION in Support re <a href="#">22</a> Notice of MOTION for Summary Judgment <i>Supplemental Declaration of Kenneth V. Byrne</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	<a href="#">32</a>	AFFIDAVIT/DECLARATION in Support re <a href="#">22</a> Notice of MOTION for Summary Judgment <i>[Supplemental] Declaration of Aaron Taylor</i> filed by United States Securities and Exchange Commission. (Mahoney, Kathleen) (Entered: 08/05/2019)
08/05/2019	<a href="#">33</a>	Letter to Honorable Ramon E. Reyes, Jr., enclosing Defendant's motion for summary judgment (fully briefed) by United States Securities and Exchange Commission (Mahoney, Kathleen) (Entered: 08/05/2019)

08/06/2019	<a href="#">34</a>	MOTION for Hearing re <a href="#">29</a> Affidavit in Opposition to Motion,, <i>Request for Oral Argument on Defendant's Motion for Summary Judgement</i> by Robbins Geller Rudman & Dowd LLP. (Attachments: # <a href="#">1</a> Exhibit 1 - Hertz Global Holdings Inc.'s November 14, 2014 Form 8-K (Exhibit 1 to the Capeci Declaration submitted on July 22, 2019)) (Capeci, Michael) (Entered: 08/06/2019)
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